

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GREGORY A. O'NEAL,

Plaintiff,

v.

URNS EAST,

Defendant.

Case No. MS10-151-MJP-BAT

**REPORT AND  
RECOMMENDATION**

The instant case appears to arise from a discovery dispute related to an action pending in the United States District Court for the Southern District of Texas. *See* Dkt. 1. On October 12, 2010, plaintiff filed a Proposed Motion for Warrant of Arrest due to defendant's failure to provide plaintiff with requested documents. Dkt. 1. The instant case was referred to the Honorable Brian A. Tsuchida, United States Magistrate Judge, for determination of plaintiff's qualification to proceed before the Court in forma pauperis (IFP). Plaintiff filed his first IFP application on November 1, 2010. Dkt. 4. Due to the somewhat unusual information contained in plaintiff's IFP application, the Court issued a Minute Order on November 4, 2010, directing plaintiff to submit a detailed affidavit under penalty of perjury regarding his assets and recent employment history and to file a Written Consent for Payment of Costs form in accordance with Local CR 3(b)(2). Dkt. 5. In response, plaintiff filed another IFP application and a document he

1 entitled Written Consent for Payment of Costs. Dkt. 6. In a Minute Order dated November 9,  
2 2010, the Court informed plaintiff that the documents submitted were insufficient and granted  
3 plaintiff leave to amend his IFP application and directing plaintiff to file a proper Written  
4 Consent for Payment of Costs by November 22, 2010. Dkt. 7. Plaintiff filed a third deficient  
5 IFP application on November 9, 2010. Dkt. 8. Plaintiff failed to comply with the Minute Orders  
6 issued by the Court (Dkts. 5, 7) and failed to file a Written Consent for Payment of Costs form in  
7 compliance with Local CR 3(b)(2). The Court thus recommends that plaintiff's IFP application  
8 be **DENIED**. The Court further recommends that plaintiff's action be **DISMISSED** because he  
9 has not paid the \$350 filing fee.

10 Any objections to this Recommendation must be filed no later than **December 13, 2010**.  
11 The Report and Recommendation is not an appealable order. Do not file a notice of appeal until  
12 the District Judge enters judgment in this case. A proposed order accompanies this Report and  
13 Recommendation.

14 DATED this 29th day of November, 2010.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge  
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